

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAYON BENSON,
Plaintiff,

v.

DELAWARE COUNTY, *et al.*,
Defendants

CIVIL ACTION
NO. 21-2854

ORDER

AND NOW, this 15th day of March, 2022, upon consideration of Defendants Delaware County, The GEO Group, Inc., GEO Corrections, GEO Care, Warden Lee Tatum, David Byrne and Cherrie Gillard's Motion to Dismiss Plaintiff Dayon Benson's Amended Complaint (ECF 11) and Benson's Response (ECF 13), and consistent with the accompanying Memorandum of Law, it is **ORDERED** that the Motion is **GRANTED in PART** and Counts I through IV of the Amended Complaint are **DISMISSED**. The Court declines to exercise supplemental jurisdiction over Counts V and VI. Benson may file a Second Amended Complaint on or before **Friday, April 1, 2022** if he can allege enough facts to state a Section 1983 claim against any Defendant or a basis for diversity jurisdiction over his state law claims.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.